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18 Armando Orellana, Guillermo Sanchez,
19 John Spiropoulos, and Sal Stewart

20
21 **UNITED STATES DISTRICT COURT**
22
23 **CENTRAL DISTRICT OF CALIFORNIA**
24

25 CAROLINA CRESPO SILVA,
26 individually, and as the personal
17 representative of CESAR SILVA,
18 deceased, and EILEEN MARTINEZ,
19 as Guardian ad Litem for D.M., a
20 minor,

21 Plaintiffs,

22 vs.

23 COUNTY OF LOS ANGELES, J.S.,
24 a Minor, DEPUTY JOHN
25 SPIROPOULOS, DEPUTY SAL
26 STEWART, DEPUTY GUILLERMO
17 SANCHEZ, DEPUTY ARMANDO
18 ORELLANA and SARGENT CASEY
19 DOWLING,

20 Defendants.

21 } Case No. CV 08-07934 RGK (PLAx)
22 } Honorable Paul L. Abrams

23 **PROTECTIVE ORDER**

24
25 ****NOTE CHANGES MADE
26 BY THE COURT
(see pages 7 and 8)****

27 Having reviewed and considered the Parties' Stipulation For Protective
28 Order, good cause showing therein, IT IS SO ORDERED:

1 **I. INTRODUCTION AND STATEMENT OF GOOD CAUSE.**

2 1. Plaintiff. The Plaintiffs are Carolina Crespo Silva, the wife of Cesar
3 Silva,

4 2. Plaintiff. and Eileen Martinez, as *Guardian Ad Litem* for D.M., a
5 minor (collectively, “Plaintiffs,” “Receiving Parties,” or “Receiving Party”).

6 3. County Defendants. The County Defendants are the County of Los
7 Angeles, and Los Angeles County Sheriff’s Department (“LASD”) deputies
8 Casey Dowling, Armando Orellana, Guillermo Sanchez, John Spiropoulos, and
9 Sal Stewart (“County Defendants” and/or “Disclosing Party;” Plaintiffs and
10 Defendants are collectively referred to as the “Parties”).

11 4. Receiving Parties. The Receiving Parties shall refer to all Parties
12 receiving information from the County Defendants pursuant to this protective
13 order.

14 5. Case Summary. This case arises from the death of Cesar Silva
15 following an altercation with LASD deputies on or about November 20, 2007.

16 6. Good Cause Statement. The Parties anticipate that during discovery
17 in this action they will exchange documents, items, or materials and other
18 information that contain sensitive and confidential information that derives actual
19 or potential value from not being generally known to the public and are the
20 subject of reasonable efforts to maintain their secrecy and confidentiality
21 (“Confidential Information”). Confidential Information includes private medical
22 records and various records subject to the Health Insurance Portability and
23 Accountability Act, the Confidentiality of Medical Information Act, the official
24 information privilege, the right to privacy guaranteed in Federal Constitution,
25 First Amendment and California Constitution, Article I, Section I, and various
26 California Government, Penal, and Evidence Code sections, and thus protected
27 from disclosure.

1 7. Interests In Favor Of Protective Order. This order is necessary to
2 expedite discovery, while maintaining confidential and private information of
3 defendants, and to protect parties or persons from annoyance, embarrassment,
4 oppression, or undue burden or expense. Further, disclosure of such information
5 without a protective order may compromise the safety third parties.

6 8. Stipulation. The Parties are entering into this Stipulated Protective
7 Order to protect against any improper disclosure or risk of circumvention of law
8 that might result from disclosure of sensitive and confidential law enforcement
9 information as described in this Order. To informally resolve this discovery
10 matter, the Parties have agreed to this stipulated protective order that carefully
11 limits the use and dissemination of the Confidential Information.

12 **II. USE AND DISSEMINATION OF THE CONFIDENTIAL**
13 **INFORMATION.**

14 9. Confidential Information. This protective order shall apply to all
15 Confidential Information, produced by The County Defendants to the Parties. The
16 Confidential Information shall include, but not be limited to, originals and copies
17 of relevant interrogatory responses obtained from the County Defendants in this
18 matter; all originals and copies of relevant documents responsive to the Parties'
19 requests for production of documents obtained from the County Defendants in this
20 matter; and all originals and copies of transcripts, video recordings, and audio
21 recordings of any deposition taken in this matter during which the Confidential
22 Information is used, mentioned, reviewed, discussed, or referred to. The
23 Confidential Information shall be subject to this Protective Order as follows:

24 10. Storage Of Confidential Information. Immediately upon production
25 by the Disclosing Party, attorneys for Receiving Party shall personally secure and
26 maintain the Confidential Information in their possession. The Confidential
27 Information shall not, under any circumstances, be left in an open or unsecured
28 location where unauthorized persons (such as unauthorized employees of counsel,

1 cleaning personnel, etc.) might have access to them.

2 11. Confidential Information Legend. All documents containing
3 Confidential Information shall be stamped “CONFIDENTIAL” or
4 “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” and shall be sealed
5 pursuant to this Order.

6 12. Limitation Of Use Of Confidential Information. Attorneys for
7 Receiving Party shall not cause or knowingly permit disclosure of the contents of
8 the Confidential Information, in any manner, including orally, beyond the
9 disclosure permitted under the terms and conditions of this Order. Any such
10 disclosure shall be construed as a violation of this Order, except when used for
11 purposes of this litigation as described in Paragraph Nos. 15 and 16 of this Order
12 and it is done so under seal.

13 13. Testimony Regarding The Confidential Information. In the case of
14 depositions, any party may designate all or any portion of the deposition
15 testimony given in this litigation as Confidential Information, either orally during
16 the deposition or in writing within ten (10) business days after receipt of the
17 deposition transcript. Until expiration of the ten (10) business-day period, the
18 entire deposition shall be treated as Confidential Information. Further, to the
19 extent that Confidential Information may be identified or referred to in
20 depositions in this case, the court reporter transcribing the deposition shall sign a
21 statement as set forth in paragraph 18. Any questions intended to elicit testimony
22 regarding the contents of the Confidential Information shall be conducted only in
23 the presence of persons authorized to review the Confidential Information as
24 provided in this Order. Any deposition transcript containing such questions and
25 testimony shall be subject to the same protections and precautions applicable to
26 the Confidential Information.

27 14. Inadvertent Disclosure. If the Disclosing Party inadvertently
28 produces any Confidential Information without designating it as such, it may be

1 remedied by (1) promptly notifying the other parties of the error; and (2)
2 providing a substitute copy of the Confidential Information with a proper legend.
3 In that event, the parties receiving the inadvertently produced undesignated
4 Confidential Information will: (1) return the previously produced Confidential
5 Information and destroy all copies thereof; and (2) if the party had already
6 disseminated the Confidential Information to any person, the party will notify all
7 such persons in writing of the need to return such Confidential Information and
8 not to further disseminate it.

9 15. Limitations On The Non-Litigation Use Of Confidential
10 Information. The secrecy and confidentiality of the Confidential Information
11 exchanged during discovery in this action shall be maintained, and all
12 Confidential Information exchanged will be used solely for the litigation of this
13 action entitled. No Confidential Information or copies thereof, nor any transcript,
14 quotation, paraphrase, summary, or other description containing Confidential
15 Information shall be reproduced, disseminated, or disclosed to any person or used
16 for any purpose except in accordance with this Stipulation and Order or by further
17 Order of the Court. Specifically, the Receiving Party may not use such
18 documents, records, or other information (or the contents thereof) for any other
19 purpose, including use as background material, or for inclusion in books,
20 magazines, newspapers, or other publications. The Receiving Party is prohibited
21 from placing any of the Confidential Information on the internet.

22 16. Court Filings. If necessary in the judgment of attorneys for
23 Receiving Party, said attorneys may show or reveal the contents of the
24 Confidential Information to the court only pursuant to Local Rule 79-5.

25 17. Other Persons Authorized To Review Confidential Information. The
26 Parties' attorneys of record may be permitted to see originals and obtain copies of
27 the Confidential Information covered by this Order. Also, Defendants, including
28 officers, directors, employees, and experts thereof may be permitted to review the

1 Confidential Information. Additionally, paralegals, secretaries, expert witnesses,
2 and other individuals and entities that may be employed or retained by the
3 Receiving Party to assist in the preparation and/or the litigation of this action may
4 be permitted to see originals and obtain copies of the Confidential Information
5 covered by this Order, provided such experts and employees have first executed
6 the written statement set forth in paragraph 18 below, and comply with the
7 provisions of that section.

8 18. Applicability Of Order To Other Persons. Prior to the disclosure of
9 any Confidential Information to any person described above, attorneys for
10 Receiving Party who seeks to use or disclose such Confidential Information shall
11 first provide any such person with a copy of this Order, and shall cause him or her
12 to execute, on a second copy, which counsel shall thereafter serve on the
13 Disclosing Party the following acknowledgment:

14 “I, _____, do solemnly swear that I am
15 fully familiar with the terms of the Stipulated Protective Order
16 entered in this action and hereby agree to comply with and be bound
17 by the terms and conditions of the said Order with respect to the
18 handling, use and disclosure of each Confidential Document. I
19 understand that I may be subject to penalties for contempt of Court if
20 I violate this Order and hereby consent to the jurisdiction of said
21 Court for purposes of enforcing this Order.

22 Dated: _____ /s/ _____”

23 This written requirement applies to, but is not limited to, paralegals,
24 secretaries, expert witnesses, and other individuals and entities that may be
25 employed or retained by Receiving Party’s counsel to assist in the preparation
26 and/or the litigation of this action. The Receiving Party shall be responsible for
27 maintaining the signed original of each such written statement until the
28 conclusion of these proceedings, including any appeal.

1 19. No waiver of objections. Nothing in this Stipulation and Order
 2 constitutes any decision by the Court concerning discovery disputes or the
 3 admission into evidence of any specific document or testimony or liability for
 4 payment of any costs of production or reproduction of documents. This Order
 5 also does not constitute a waiver by any party of any right to object to discovery
 6 or admission into evidence of any document, record, testimony or other
 7 information that is subject to this Order. Nor do Defendants waive any privileges,
 8 including, but not limited to, the investigatory files or official information
 9 privileges, *see e.g.*, *Weiner v. FBI*, 943 F. 2d 972, 985 (9th Cir. 1991), or *Miller v.*
 10 *Pancucci*, 141 F.R.D. 292 (C.D. Cal. 1992) by entering into this order.

11 20. Subpoena for Confidential Information. In the event that the
 12 Receiving Party receives a subpoena, discovery request, or other legal process
 13 seeking production of Confidential Information, the Receiving Party must give
 14 prompt written notice to the Disclosing Party. The Receiving Party shall inform
 15 the person or entity seeking the information of the existence of this Stipulation
 16 and Order and shall not produce the Confidential Information absent a Court
 17 Order requiring such production.

18 21. Modification. For good cause, any party may seek a modification of
 19 this Order, first by attempting to obtain the consent of the other parties to such
 20 modification, and then, absent consent, by application to this Court, **pursuant to**
 21 **Local Rule 37.**

22 22. Return of Confidential Information. No more than thirty (30) calendar
 23 days after the conclusion of this case the Receiving Parties and every other person
 24 and/or entity who received originals or copies of the Confidential Information shall
 25 return all originals, copies of the Confidential Information, and material derived
 26 therefrom, including, but not limited to, all log(s) of persons authorized to review
 27 the protected documents and the written statement(s) acknowledging the terms and
 28

1 provisions of this Order pursuant to paragraph 18 of this Order, to the Disclosing
2 Party care of:

3 Raymond W. Sakai, Esq.
4 Lawrence Beach Allen & Choi, PC
5 100 West Broadway, Suite 1200
6 Glendale, California 91210-1219;

7 Alternatively, the Receiving Parties and every other person and/or entity
8 who received originals or copies of the Confidential Information may destroy all
9 such material and material derived therefrom within thirty (30) calendar days after
10 the conclusion of this case. Additionally, within thirty (30) calendar days after the
11 conclusion of this case, counsel for the Receiving Parties shall send a signed
12 declaration stating that such material has been destroyed pursuant to this
13 protective order.

14 This case has concluded when (i) a final judgment has been entered by the
15 Court or the case has otherwise been dismissed with prejudice; (ii) the time for
16 any objection to or request for reconsideration of such a judgment or dismissal
17 has expired; (iii) all available appeals have concluded or the time for such appeals
18 has expired; and (iv) any post appeal proceedings have themselves concluded.

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21 Dated: October 16, 2009



22 Honorable Paul L. Abrams
23 United States Magistrate Judge

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